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PATENT APPLICATION

ATTORNEY DOCKET NO. 200206781-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Arlen L. ROESNER et al.

Confirmation No.: 2442

Application No.: 10/647,915

Examiner: Edwards, Anthony Q.

Filing Date: August 26, 2003

Group Art Unit: 2835

Title: DRIVE LOADING SYSTEM

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on 10/26/2007.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

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Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Arlen L. ROESNER
Serial No.: 10/647,915
Filing Date: August 26, 2003
Group Art Unit: 2835
Examiner: Edwards, Anthony Q.
Title: DRIVE LOADING SYSTEM
Docket No.: 200206781-1

MAIL STOP: APPEAL BRIEF-PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

SUPPLEMENTAL REPLY BRIEF

Applicant filed an Appeal Brief on October 28, 2005. The Examiner issued an Examiner's Answer on January 6, 2006. Applicant filed a Reply Brief on February 28, 2006. The Board of Patent Appeals and Interferences returned the undocketed appeal to the Examiner on August 1, 2007, requesting that the Examiner correct a minor deficiency in the Examiner's Answer. In response thereto, the Examiner issued another Examiner's Answer on October 26, 2007. Out an abundance of caution, Applicant respectfully submits this Supplemental Reply Brief in response to the Examiner's Answer mailed October 26, 2007, pursuant to 37 C.F.R. § 1.193(b).

STATUS OF CLAIMS

Claims 1-20 stand rejected pursuant to a Final Office Action mailed June 2, 2005.
Claims 1-20 are presented for appeal.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1-20 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,481,431 issued to Siahpolo et al. (hereinafter "*Siahpolo*").

ARGUMENT

A. First Ground of Rejection (Claims 1-14)

In the Examiner's Answer, the Examiner states that *Siahpolo* discloses "the carrier adapted to support insertion of the drive into the chassis in a transverse orientation coplanar with the first and second directions" as recited by Claim 1 (Examiner's Answer, page 3). In support of the Examiner's position, the Examiner appears to refer to a "side surface of the drive" of the *Siahpolo* system as being "coplanar with the first and second directions" as recited by Claim 1 (Examiner's Answer, page 3). Applicant respectfully disagrees.

"Claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their 'broadest reasonable interpretation.'" *In re Marosi*, 710 F.2d 799, 802, 218 USPQ 289, 292 (Fed. Cir. 1983) (quoting *In re Okuzawa*, 537 F.2d 545, 548, 190 USPQ 464, 466 (CCPA 1976)) (emphasis added). It is the use of the words in the context of the written description and customarily by those skilled in the relevant art that accurately reflects both the "ordinary" and the "customary" meaning of the terms in the claims. *Ferguson Beauregard/Logic Controls v. Mega Systems*, 350 F.3d 1327, 1338, 69 USPQ2d 1001, 1009 (Fed. Cir. 2003).

Applicant respectfully submits that the Examiner's interpretation of the limitations of Claim 1 appears to be contrary to the claim language itself and Applicant's specification and, moreover, appears to be an unreasonable interpretation of the limitations of Claim 1 especially in view of Applicant's specification. Claim 1 recites "the drive . . . in a transverse orientation coplanar with the first and second directions" (emphasis added). Thus, Applicant respectfully submits that Claim 1's recitation of "the drive," especially when read in the light of Applicant's specification, clearly refers to the drive as a whole. Moreover, while the Examiner appears to refer the drive of the *Siahpolo* system as a whole in the context of other limitations of Claim 1 (e.g., "insertion of the drive into the chassis in a first direction" and "mov[ing] the drive in a second direction transversely relative to the first direction" (emphasis added)), the Examiner instead only refers to a single side surface of the *Siahpolo* drive in the context of the "coplanar" limitation of Claim 1, which Applicant respectfully submits is improper and an unreasonable claim interpretation.

Additionally, even if the Examiner's use of only a single side of the *Siahpolo* drive is considered proper and reasonable, which Applicant respectfully disagrees, Applicant respectfully submits that such side surface of the *Siahpolo* drive is not "in a transverse orientation" as recited by Claim 1. Accordingly, for at least these reasons, Applicant respectfully submits that *Siahpolo* does not anticipate Claim 1.

Independent Claim 11 recites "means for receiving a drive in a first direction" and "means for supporting insertion of the drive into the receiving means in the first direction, the supporting means adapted to move the drive in a second direction transversely relative to the first direction to engage the drive with a socket, the supporting means adapted to support insertion of the drive into the chassis in a transverse orientation coplanar with the first and second directions" (emphasis added). At least for the reasons discussed above in connection with Claim 1, Applicant respectfully submits that *Siahpolo* also does not anticipate Claim 11.

Thus, Applicant respectfully submits that independent Claims 1 and 11, and Claims 2-10 and 12-14 that depend respectively therefrom, are allowable.

B. First Ground of Rejection (Claims 15-20)

Independent Claim 15 recites "at least one support member adapted to support insertion of a drive into a chassis in a first direction" and "an actuator coupled to the at least one support member, the actuator adapted to move the drive in a second direction transversely relative to the first direction to engage a socket within the chassis, the at least one support member adapted to support insertion of the drive into the chassis in a transverse orientation coplanar with the first and second directions" (emphasis added). As discussed above in connection with independent Claim 1, the Examiner appears to refer to a "side surface of the drive" of the *Siahpolo* system as being "coplanar with the first and second directions" as recited by Claim 1 for asserting that *Siahpolo* anticipates Claim 15 (Examiner's Answer, page 6). Applicant respectfully disagrees.

Applicant respectfully submits that the Examiner's interpretation of the limitations of Claim 15 appears to be contrary to the claim language itself and Applicant's specification and, moreover, appears to be an unreasonable interpretation of the limitations of Claim 15 especially in view of Applicant's specification. Claim 15 recites "the drive . . . in a transverse orientation coplanar with the first and second directions"


(emphasis added). Thus, Applicant respectfully submits that Claim 15's recitation of "the drive," especially when read in the light of Applicant's specification, clearly refers to the drive as a whole. Moreover, while the Examiner appears to refer the drive of the *Siahpolo* system as a whole in the context of other limitations of Claim 15 (e.g., "insertion of a drive into a chassis in a first direction" and "mov[ing] the drive in a second direction transversely relative to the first direction" (emphasis added)), the Examiner instead only refers to a single side surface of the *Siahpolo* drive in the context of the "coplanar" limitation of Claim 15, which Applicant respectfully submits is improper and an unreasonable claim interpretation. Additionally, even if the Examiner's use of only a single side of the *Siahpolo* drive is considered proper and reasonable, which Applicant respectfully disagrees, Applicant respectfully submits that such side surface of the *Siahpolo* drive is not "in a transverse orientation" as recited by Claim 15. Accordingly, for at least these reasons, Applicant respectfully submits that *Siahpolo* does not anticipate Claim 15. Therefore, Applicant respectfully submits that Claim 15, and Claims 16-20 that depend therefrom, are allowable.

CONCLUSION

Applicant has demonstrated that the present invention as claimed is clearly distinguishable over the art cited of record. Therefore, Applicant respectfully requests the Board of Patent Appeals and Interferences to reverse the final rejection of the Examiner and instruct the Examiner to issue a notice of allowance of all claims.

No fee is believed due with this Supplemental Reply Brief. If, however, Applicant has overlooked the need for any fee, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,



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Date: December 20, 2007

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